UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/1998/55
9 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 (a) of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1997/121

1. The Commission on Human Rights, in its decision 1997/121 of 16 April 1997, decided to retain on its agenda item 10 (a) entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fourth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. Since assuming the functions of Secretary-General of the United Nations in January 1997, I have underlined to leaders of the Greek Cypriot and the Turkish Cypriot communities the importance of finding an early settlement of the Cyprus problem. In separate meetings in February and April, they expressed their readiness to make further efforts to reach a comprehensive solution.

4. In a communication of 17 April 1997 addressed to the President of the Security Council (S/1997/320), I stated my determination to pursue intensified efforts to bring about a comprehensive settlement of the Cyprus issue hoping it would be possible to convene direct talks between the leaders of the two communities. In the same communication, I informed the Council that I had decided to appoint Mr. Diego Cordovez, former Foreign Minister of Ecuador, as my new Special Adviser on Cyprus, with effect from 28 April, replacing Mr. Han Sung-Joo, who had served since May 1996.

5. In late April 1997, the permanent members of the Council reaffirmed their support for the good offices mission, as stressed in resolution 1092 (1996) of 23 December 1996, in which the Council gave its full support for the early convening, under the aegis of the United Nations, of direct negotiations between the leaders in order to secure an overall comprehensive settlement.

6. In a letter addressed to the President of the Council, dated 20 June 1997 (S/1997/480), I informed the Council of my intentions concerning my mission of good offices in Cyprus. On 9 June I wrote to the two leaders inviting them to a first session of face-to-face negotiations to take place in Troutbeck, New York, from 9-13 July. These face-to-face talks were to constitute the beginning of a process which should continue as long as may be needed to achieve agreement on a comprehensive solution. I envisaged that this first session would be followed by another in August and a third session, if necessary.

7. In order to avoid a perpetuation of the preceding inconclusive dialogues, I believe that there is a need for new approaches and procedures. Inasmuch as the elements needed to work out a settlement are at hand, I believe that a sustained process of direct negotiations leading to the conclusion of instruments that will constitute a comprehensive settlement is the most appropriate course of action.

8. A number of Governments, as well as the Commonwealth and the Presidency of the European Union, have appointed special envoys and representatives in support of the efforts carried out within the framework of my good offices mission. The active, firm and full support of all concerned, and particularly that of the Council, is indispensable if current efforts are to bring results.

9. As indicated in my report to the Security Council of 12 December 1997 (S/1997/973), I opened the first round of direct talks on 9 July, stating that for 29 years the leaders of the two communities had engaged in discussions about issues that had been identified as the most crucial. These discussions were based on concepts and approaches that successive Secretaries-General had put forward in accordance with Security Council resolutions. I stressed that the search for peace in Cyprus should therefore continue and noted that international backing for a negotiated solution was firmer than ever. The support of the Council had been consistently unequivocal and the presence at the talks of special envoys from a large number of countries was proof of the high priority that the international community attached to a viable and comprehensive solution.

10. The Troutbeck round of talks was held in a constructive and friendly atmosphere. The two leaders initiated the consideration of a draft statement intended to launch the process of negotiations that I had suggested, to set out the principles and objectives of the settlement and to establish the modalities for future negotiations.

11. The second round of talks was held at Glion-sur-Montreux, Switzerland, from 11 to 15 August. At the opening, the Turkish Cypriot leader informed my Special Adviser that, in the light of the publication by the European Commission of a document entitled "Agenda 2000", and pending the clarification of some of the statements contained in that document, he would participate in further discussions with the Greek Cypriot leader and with my Special Adviser, but would not be able to adopt any formal understandings or agreements. Two further versions of the draft statement were considered but the talks ended inconclusively. In the circumstances, an early third round of talks would have been unproductive.

12. I met again with the leaders of the two communities in New York on 6 October and 3 November, respectively. I urged them both to show their political will to reach a settlement. Upon an invitation extended at the Glion talks, my Special Adviser visited Nicosia from 18 to 21 November. There, he held consultations with both leaders and he also met with the leaders of political parties of the two communities. He subsequently visited Athens, Ankara and London, the capitals of the three Guarantor Powers, as well as Brussels. The message that I had asked him to convey on his visit was that I remained committed to continue my good offices mission at the earliest appropriate time.

13. During his consultations in Cyprus, my Special Adviser proposed, and the leaders of the two communities agreed, that he should return to Nicosia following the elections taking place in February 1998, in order to discuss the detailed modalities of a continuing process of negotiations.

14. The Turkish Cypriot leader raised with Mr. Cordovez questions regarding the status of the interlocutors at future talks. My Special Adviser noted that, in accordance with the mandate given to the Secretary-General by the Security Council, the mission of good offices on Cyprus was with the two communities, on an equal footing, and that the Secretary-General and all his representatives had been scrupulous in observing the political equality of the two communities and their leaders.

15. By resolution 1146 (1997) of 23 December 1997, the Security Council stressed its support for my mission of good offices and for the intention to resume in March 1998 the open-ended process of negotiations initiated in July 1997 and aimed at achieving a comprehensive settlement.

16. Pending a settlement, the United Nations Force in Cyprus (UNFICYP) has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 477 in December 1997. UNFICYP officers have continued to interview Greek Cypriots, in private, who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by

Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. UNFICYP also continued to assist in arranging contacts between Maronites living on the island, 177 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Government of Cyprus. UNFICYP continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. UNFICYP is aware of some 340 Turkish Cypriots living in the southern part of Cyprus. The Force continued to provide emergency medical evacuation of civilian members of both communities residing in the northern part of Cyprus.

17. UNFICYP continued its efforts to encourage contact and cooperation between the two communities and to building trust through actively promoting bicommunal events and activities. In this regard, UNFICYP worked closely with diplomatic missions in Cyprus. A significant number of bicommunal events were convened during 1997 organized by the United Nations, embassies of several interested Governments and non-governmental organizations.

18. On 19 April 1997, UNFICYP arranged for 437 Turkish Cypriots to make a pilgrimage to the Hala Sultan Tekke mosque in Larnaca without any restrictions being imposed by the Government. Unfortunately, a reciprocal pilgrimage by 600 Greek Cypriots to the church of Apostolos Andreas in the Karpas Peninsula, which was scheduled for Orthodox Easter on 27 April, was cancelled at the last moment by the Greek Cypriot side because the authorities in the north insisted on the deletion of three individuals from the list of participants. However, on 15 August, 674 Greek Cypriots were able to go on a pilgrimage to the monastery of Apostolos Andreas and another such pilgrimage took place on 30 November 1997 with some 1,200 Greek Cypriots participating.

19. On 8 August, 386 Turkish Cypriots were able to travel by road through the Government-controlled area to Kokkina to attend commemoration ceremonies and on 8 November some 274 Turkish Cypriots undertook a similar trip.

20. On 19 May, a bicommunal concert by two well-known singers from Greece and Turkey was held under the auspices of the United Nations at a soccer field in the buffer zone next to the Ledra Palace checkpoints. Some 3,000 Cypriots from both communities attended the concert, which took place in a completely positive and peaceful atmosphere. Greek Cypriots and Turkish Cypriots mixed readily, singing and dancing together and exchanging flowers and addresses. Police from both sides were particularly effective in providing security for the concert. The concert generated a great deal of debate about bicommunal contacts, which certain Greek Cypriot groups opposed because Turkish troops were still on the island. A demonstration on 19 May in Nicosia in protest against the bicommunal concert was organized by the Cyprus Motorcyclist Federation and the Pan-Cyprian Anti-occupation Movement and resulted in violent clashes with the police.

21. On 27 September, UNFICYP organized a bicommunal fair, in cooperation with various diplomatic missions, and some 3,900 persons from both Greek Cypriot and Turkish Cypriot communities attended. To celebrate United Nations Day, UNFICYP organized an Open House, which was attended by a total of over 4,000 persons from both communities. Other activities organized by UNFICYP included a bicommunal darts tournament in Bellapais in the northern part of

Cyprus and a bicommunal go-kart event in the United Nations Protected Area. A large number of bicommunal meetings were also held in the Ledra Palace Hotel, located in the buffer zone in Nicosia, under the auspices of UNFICYP and non-governmental and professional organizations representing a wide spectrum of disciplines and interests. The popularity of these activities continued to demonstrate the desire among the two communities to renew contacts in an unhindered manner. The media coverage of these events also generated a positive public discussion on the desirability and usefulness of bicommunal contacts.

22. Throughout 1997, the Turkish Cypriot authorities continued to insist that attendance by Turkish Cypriots at bicommunal events requires specific authorization in each case. For most of the year, such authorization was usually granted for events in the United Nations Buffer Zone and, though less consistently, for events in the southern part of the island. However, on 15 December following the European Union's Luxembourg Summit announcement that Turkey was not included in the list of countries being considered for accession, Turkish Cypriot authorities froze all bicommunal activities in Cyprus.

23. Demonstrations by Greek Cypriots continued to be staged at the South Ledra Checkpoint, mainly on weekends, with the aim of dissuading tourists from crossing to the north. In many instances, organized groups of schoolchildren in uniform participated in demonstrations. The demonstrations inconvenienced visitors and sometimes hindered the movement of UNFICYP and diplomatic personnel.

24. On 28 and 31 July, the leaders of the two communities met jointly with the Deputy Special Representative of the Secretary-General to discuss a number of humanitarian issues of common concern. In a statement issued on 31 July, the two leaders considered the problem of the Greek Cypriot and Turkish Cypriot missing persons in Cyprus as a purely humanitarian issue the solution of which was long overdue. They agreed that no political exploitation should be made by either side of the problem of the missing persons and they pledged to work for its solution in order to terminate the agony and the uncertainty of the families of the missing persons. As a first step in resolving the problem of the missing persons, they agreed to provide each other with all information already at their disposal on the location of graves of Greek Cypriot and Turkish Cypriot missing persons. They also each agreed to designate a person; these persons would meet to exchange this information and to prepare the necessary arrangements to lead to the return of the remains of these Greek Cypriot and Turkish Cypriot missing persons. On 30 September, the leader of the Greek Cypriot community informed the Deputy Special Representative that his side had completed its work and was ready to proceed as agreed on 31 July. At their 31 July meeting, the two leaders had also reached agreement on a number of other humanitarian issues, which have since been implemented.

25. On 23 January 1998, the Greek Cypriot and the Turkish Cypriot representatives met at the Ledra Palace in the presence of my Deputy Special Representative to exchange information on the location of graves of Greek Cypriot and Turkish Cypriot missing persons in pursuance to the 31 July 1997 agreement. They also indicated that their respective sides would continue

their efforts to obtain information on the location of graves of further missing persons. As this exchange constitutes evidence that progress is being made on the issue, I initiated the necessary steps leading to the appointment of a new Third Member of the Committee on Missing Persons.

26. As previously reported (E/CN.4/1997/48) and in line with operative paragraph 12 of Security Council resolution 1117 (1997), UNFICYP continued to monitor closely the living conditions of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part and to assess them against the recommendations of UNFICYP's Humanitarian Review set out in paragraphs 13-15 of E/CN.4/1997/48. The living conditions of Greek Cypriots and Maronites residing in the northern part of the island have changed little from those reported previously (see paragraphs 15-16 of E/CN.4/1996/54). With regard to the recommendations in the 1995 Humanitarian Review, the Turkish Cypriot authorities have made some improvements, notably by increasing the number of telephone lines in the Karpas and Kormakiti areas and by allowing UNFICYP humanitarian patrols to meet privately with Greek Cypriots in the Karpas area without the presence of police. Furthermore, the two vacant Greek Cypriot schoolteacher positions have now been filled in Rizokarpaso. The Government of Cyprus has implemented all the recommendations made by UNFICYP in the 1995 Humanitarian Review with regard to Turkish Cypriots living in the southern part of the island. Thus far, the Turkish Cypriots living in the south have made little use of the UNFICYP Liaison Office opened in December 1996 in Limassol.

27. Many of the restrictions on Greek Cypriots and Maronites living in the northern part of Cyprus that were noted in UNFICYP's 1995 Humanitarian Review remain. For example, travel within the northern part of Cyprus remains restricted for Greek Cypriots and they still cannot bequeath fixed property to their next of kin living outside of the northern part of Cyprus. The continuing policy of the Turkish Cypriot authorities is to consider property "abandoned or ownerless" whenever the Greek Cypriot or Maronite owner dies or permanently leaves the area. However, in February 1998, the Turkish Cypriot authorities announced new procedures and regulations for entry to and exit from the north. For Greek Cypriots and Greeks who wish to enter or depart, passports or identity documents are now required with a visa for which a fee of 15 pounds sterling is required. Turkish Cypriots or residents in the north requiring emergency medical treatment in the southern part of the island are exempt from the visa requirement. The period of stay allowed in the southern part of Cyprus for those who reside permanently in the north has been extended to six months, but they must carry a permit, passport or identity papers, and are required to pay a departure fee of 4 pounds sterling, as are tourists. A fee of 10 pounds sterling is levied for multiple departures. The age limitation for students studying in the southern part of the island was lifted for Greek Cypriot and Maronite girls and for Maronite boys, although Greek Cypriot boy students are still not allowed to return to their homes in the northern part of the island after they reach the age of 16. The students are required to pay a departure fee of 2 pounds sterling. The limitation on the number of persons allowed to visit the Monastery of Apostolos Andreas has also been lifted, provided that each visitor pays 15 pounds sterling for a visa and carries identity papers.

28. UNFICYP continued to maintain close liaison and cooperation with the military and civilian authorities on both sides. The liaison arrangements on the whole worked well. UNFICYP also continued to monitor the status quo in the fenced area of Varosha. Some buildings continue to be occupied by students. There were again cases of property being removed from buildings; UNFICYP protested these to the Turkish Forces. The United Nations holds the Government of Turkey responsible for the maintenance of the status quo in the fenced area of Varosha.

29. UNFICYP's movement in the northern part of the island continued to be restricted, notably in the Kormakiti area where United Nations personnel were refused access to certain areas and restricted in carrying out humanitarian tasks. On several occasions, humanitarian patrols were obstructed and vehicles searched. On one occasion the UNFICYP humanitarian officer in Sector 1 was arrested and held for several hours.

30. During the period under review, the Government of Cyprus protested that churches and other religious property in the northern part of Cyprus had been allowed to decay and that some had been vandalized and property had been removed. There is also concern about damage to graveyards. UNFICYP pursued the matter with the Turkish Cypriot authorities.

31. Until the end of 1997, UNFICYP continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus and in bicommunal cooperation in a variety of areas. The Force also maintained close cooperation and liaison with the respective police authorities on matters with intercommunal aspects.

32. Since 16 June 1993, the financing of UNFICYP has consisted of voluntary contributions of $6.5 million annually from the Government of Greece and one third of the cost of the Force from the Government of Cyprus, with the remaining amount assessed on Member States. The estimated cost of maintaining the Force for six months is approximately $24 million, with approximately $14.5 million of that amount assessed on Member States.

33. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/1997/437 and Add.1 and Corr.1 and S/1997/962 and Add.1). A full account of the Secretary-General's efforts on his mission of good offices in Cyprus is contained in a letter addressed to the President of the Security Council and in a report to the Security Council (S/1997/480 and S/1997/973).